

BARNES MUST PRODUCE ALBANY JOURNAL BOOKS

Justice Kellogg, Democrat, Appointed by Gov. Dix, Decides Against Republican Leader.

CHAIRMAN WILL APPEAL

He Must Also Answer Questions Concerning Acquisition of Lyon Stock—Senate Inquiry Held Constitutional.

Albany, Nov. 12.—William Barnes, Jr., chairman of the Republican State Committee, must produce the books of the Journal Company, of Albany, of which he is president, before the Senate committee which is investigating Albany city and county affairs, and answer certain questions concerning his acquisition of stock in the J. B. Lyon Company, within eight days, according to a decision by Supreme Court Justice Joseph A. Kellogg, of Glens Falls. Unless Mr. Barnes complies with the court's order or takes "such other course as he may be advised," a warrant will be issued committing him to the Albany County jail.

Being advised to-day of Justice Kellogg's decision Mr. Barnes's attorneys at once took steps to carry the case to the higher courts. Mr. Barnes declined to-night to comment on the decision further than to say that the matter would be appealed. The investigating committee does not meet again until November 21.

Mr. Barnes, when called as a witness by the committee, offered to furnish a sworn transcript of the Journal Company's accounts with the city and county of Albany, but declined to produce the books, on the ground that the private business of the company would become known to its competitors.

The state chairman was questioned at length by James W. Osborne, counsel to the committee, concerning printing affairs in Albany, and on his refusal to answer certain questions the committee directed Mr. Osborne to take the proper steps to compel the witness to comply. Mr. Osborne later secured an order from Justice Kellogg directing Mr. Barnes to show cause why he should not be committed to the Albany County jail for disregarding the committee's directions.

Question Argued on November 2.
The matter was argued at Ballston on November 2, Mr. Osborne appearing for the committee, and Senator Edgar T. Brackett, of Saratoga, and William M. Ivins, of New York, representing Mr. Barnes.

Of the twenty-three questions which Mr. Barnes declined to answer Justice Kellogg finds that only five were pertinent. They related to Mr. Barnes's holdings in the J. B. Lyon Company, which has done much printing for the county of Albany as well as for the state during the last ten years. Mr. Osborne wanted to know whether Mr. Barnes paid for the stock or whether it was given to him; when he got it and whether he talked to J. B. Lyon during the investigation about the consideration for the stock. Justice Kellogg says:

It appears from the papers that Mr. Barnes was the owner of 250 shares of the stock of the J. B. Lyon Company, of a total capitalization of 2,000 shares. This company had furnished the county of Albany printing during the last ten years to the amount of approximately \$100,000 without public bidding.

Political party with which Mr. Barnes was affiliated was the dominant political party of the county during this time, and of this party Mr. Barnes stated that he was a "leader," defining the term to mean "a man whose advice is taken quite largely, partly largely, by the men of the political party with whom he is associated."

He was also during that time a member of the state committee of his party. The line of inquiry attempted to be followed up in these questions was very apparent.

Investigation was being had as to whether a person in this position had acquired a substantial stockholding interest in a company which furnished printing to a large amount to the political subdivision in which he was a figure of power without any adequate compensation therefor, and whether this species of patronage had been given out to a company in return for an ownership or interest given to the political leader as a portion, at least, of the consideration to be paid for the acquisition of the stock by him.

Committee Within Its Powers.
Here the committee was directly within its powers and in the discharge of its duty. If a citizen has the political power to control the distribution of the people's money and thus so controlled it to his own advantage, it is a matter which might be very well recommended by this committee to the Senate as a matter worthy of consideration, so that if possible legislation may be enacted to prevent a practice which will, at least, have a tendency to corruption.

It is a well known fact, of which judicial notices may very properly be taken, that, under hatterday methods of political organizations, the actual rulers of many political subdivisions are not those who are nominally holding office, but those whose control over the political organization, to which actual officers belong, made their election or appointment possible.

In many localities officers hold their position by reason of so-called leaders. If, with impunity, a dominant factor can so exercise his power as to obtain substantial pecuniary benefit from the public business by urging the officers over whom he has influence, through his power of selection, to award that public business to corporations in which he has an interest, and, especially when that business is so lucrative that a very substantial portion of the profits can be surrendered without adequate consideration to a political leader in order to secure the business, which accrues to the remainder, it is certainly a matter which not only permits but demands investigation, in order that, if possible, it may be corrected.

From the foregoing it is not to be understood to be determined here that any of these conditions has as yet been actually and satisfactorily proved upon this investigation, but the committee should not be thwarted in its very plain duty by the refusal of any person to answer questions involving a corporation which had been paid a very substantial sum of public money, by the mere assertion that it was his "private business."

These questions were both legal and pertinent, and the witness's declination to answer is without reasonable cause.

Justice Kellogg disagrees with Mr. Barnes's attorneys that the Senate inquiry is unconstitutional, and holds that it would seem proper, in view of the facts developed, to pursue still further the inquiry into the pecuniary relations of the Albany Journal Company on supplies furnished the city and county of Albany. For this reason, Justice Kellogg declares it is necessary that the books of the Journal Company be produced before the committee.

Justice Kellogg, of Glens Falls, who is a Democrat, was appointed by Governor Dix to fill out the unexpired term of the late Justice Edward A. Spencer. He was nominated by the Democrats last month, but was defeated by Edward C. Whitmeyer, Republican, at the recent election.

UNTERMYER OFFERS PLAN

Would Extend Federal Control Over Large Corporations.

PROPOSES NEW COMMISSION

Suggests Sherman Law Amendment to National Civic Federation.

Federal regulation of industrial corporations by a commission is proposed by Samuel Untermyer in a plan which he has submitted to the department on regulation of

Industrial corporations of the National Civic Federation.

The plan provides that no mergers in future shall be permitted without the sanction of the proposed federal commission. Mr. Untermyer says that the present laws and court procedure are inadequate for orderly and effective disintegration of corporations formed or operating in violation of the laws. The proposed commission, he believes, could deal effectively with such combinations.

Instead of the state issuing charters to corporations engaged in interstate commerce, the commission would issue a license if convinced that the applicant's business was not being conducted in violation of the Sherman law.

The plan, which its author describes as "tentative," and intended to supplement the Sherman law, provides that:

Every corporation which at the time of the passage of the act or thereafter has

gross assets or capital of \$1,000,000 and over, and that is now engaged in interstate commerce, is prohibited from thereafter engaging in such commerce unless it shall within six months after the passage of the act secure a federal charter under a federal incorporation law to be enacted or a federal license (as may be decided). Every corporation of the character above described hereafter formed or hereafter engaging in interstate commerce must secure a federal charter or license (as may be determined) before engaging in such commerce.

An industrial commission of seven members to be appointed by the President, with the advice of the Senate, similar in its general character and constitution and its powers over industrial corporation engaged in interstate commerce to the present Interstate Commerce Commission.

All orders of the commission to be subject to appeal to the Commerce Court by the parties in interest in like manner as appeals are now authorized from orders of the Interstate Commerce Commission.

The commission would have all the powers now possessed by the Bureau of Corporations, with the right to recommend for

prosecution all corporations violating the law, and to conduct the prosecutions through their attorneys in conjunction with the Attorney General.

SUNDAY'S NEW-YORK TRIBUNE
Mailed anywhere in the United States for \$2.50 a year.

\$12,000 LOST ON STEAMER

Cash and Gems Dropped on the Amerika Soon Recovered.

Jewelry and money to the amount of about \$12,000 were lost on board the Hamburg-American liner Amerika, which arrived here yesterday from Hamburg, but the missing gems and cash had hardly been gone an hour when they were found and returned to their owners.

Paul Desvernhe left on deck a wallet containing \$7,000 in cash and missed it an hour later. When he announced his loss, robbery.

he found that it had been picked up by Dr. Herbert Ort, a German lawyer, and turned over to the chief steward for safe keeping.

Lady Allan, whose husband is one of the owners of the Allan Line, lost several rubles that had fallen from the setting in a ring. They were found by Edward Koppwitz, a steward, and returned to the owner, who gave the steward a liberal reward.

Among the passengers on the Amerika were Mr. and Mrs. Charles Henry Childs, Mr. and Mrs. Samuel D. Dodge, Mr. and Mrs. Gordon Kellogg, Mrs. Mowbray Upston, Montgomery Orr and Mrs. Arthur Wilesey Kipling.

It was on the Amerika, about a year ago, that Mrs. Malvina Drummond, formerly Mrs. Marshall Field, Jr., lost \$100,000 worth of jewels, which were never recovered. It was generally believed that the gems were stolen by thieves who boarded passage on the vessel for the purpose of robbery.

Found!

3800 Photographs of the Civil War

Now for the first time embodied in 10 big volumes
Come in and see them in the Book Store

THESE photographs were taken right in the heat of the Great War. They bring back the deafening roar of cannon and the hail of bullets. Matthew Brady, camera genius, followed armies and navies of both sides and took thousands of superb pictures. He died in poverty and the precious negatives have been lost for 50 years. Now they have been found again, and others, too—unsuspected by old-timers who knew Brady—and the whole 3800, all together, at a cost of hundreds of thousands of dollars, are now ready in the

Photographic History of the Civil War

Published by the REVIEW OF REVIEWS. You can have yours at a special low price and small payments through the

New Wanamaker Book Club Now Starting

Brady Photographed the Civil War

FIFTY YEARS AGO there stood at Tenth Street and Broadway, opposite the Stewart Store, a two-story building to which sightseers came as today they come to gaze at the Metropolitan Tower. Here, before the camera of Brady—the artist-photographer—sat Lincoln and Greeley, Jenny Lind and the Prince of Wales. Here you had your own picture taken, if you could spare \$100. When the war broke out, Brady gave up everything—the easy life—the big money-making—and went to the front—armed not with a gun but with a camera. With special permission from Lincoln, he and his trained assistants were with the armies and navies throughout the four years of the war, risking death at every step. Thousands of magnificent photographs were secured—each one a living, vivid witness of the Civil War. These passed into the hands of the United States Government, which, harassed by debt and difficulties, finally paid Brady \$25,000.

And that was all Brady ever got for his genius, his daring and his sacrifice in securing this almost priceless record of the Civil War. Brady never recovered either his health or his money. He died in the almshouse of a New York hospital.

The Photographs Lost

BUT, fortunately for us today, Brady made another set of negatives, which went to his creditors to make up for the \$100,000 expended by him in his gigantic task. That set—forgotten in the turbulence of reconstruction—was knocked from pillar to post for many years. Twenty-five years it lay in an old garret.

Found Again

AT last these undying witnesses of the great tragedy were discovered, and in 1911, 50 years after the opening gun at Sumter, are now restored to the nation in the Photographic History of the Civil War published by the Review of Reviews. The publishers, passing from incredulous amazement to something like awe at their discovery, knew that here lay the opportunity for the most important work ever brought out on the American continent. The Review of Reviews has now spent a fortune on the project. The sympathy and help of State and national departments and of famous men has been enlisted, the enthusiasm of veterans has been aroused.

Editors were started for every corner of the country to look for other lost photographs taken during the war. A force of sixty editors was immediately organized—and finally to-day the Photographic History of the Civil War is finished—a work without a parallel in the story of nations—a work of perfect beauty and surpassing interest.

The Complete Set at a Lower Price Than You Can Get Anywhere Else

SO impressed are we with this set of books and its value to the nation that we are starting a new Book Club especially for it. It is now some years since we have found a work which seemed to merit the forming of such a club. While the work was in course of publication, the Review of Reviews accepted subscriptions as a special-before-publication price, which has now been advanced. But through the Wanamaker Club you can for the first time get the whole 10 volumes delivered complete at that before-publication price. Those thousands of people who have saved money through the Wanamaker Co-operative Book Clubs in the past will appreciate this.

Through the Wanamaker Club, therefore, and there only, you can have the whole 3800 pictures with text history beautifully printed and bound in 10 magnificent volumes, at less than what the United States Government paid for three of the pictures—at less than it cost Brady to take one of the photographs—at less than you can get this anywhere else.

**\$1 Club Fee Brings Complete Set
Seven Cents a Day Pays for It**

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Coupon
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Money

T. I.
John
Wanamaker
New York

COME IN AND LOOK AT THEM. Come to the Book Store to see some of these marvelous original photographs—silent messengers half a century old—yet forever young and fresh and true. Come in and look into the very faces—the youthful faces—of the men who fifty years ago wore the blue or the gray loading the guns, manning the battlefields, fighting grimly on the battlefields and in the trenches, merrymaking in camp, lingering in the hospitals; come in and see them as they lived and as they died. All this is shown in these thousands of photographs—this ever-changing panorama of four eventful years.

John Wanamaker
Broadway, Fourth Avenue Eighth to Tenth Street



The Text—Like None You Ever Read

AROUND these photographs is written an intimate story of the war, telling of the battles on land and sea, the secrets of spies and scouts, the tragedy of the hospital and the suffering of the prisoners. It is an impartial and vivid history. Eminent historians, veterans of the Union forces, veterans of the Confederacy, generals in the army, admirals in the navy, military and naval experts, have joined to make this the most momentous story of the war ever published and one which must be in every American home. And thousands of photographs, beautifully presented, show the tragic, pathetic, humorous, intimate, picturesque side of the war, besides the national figure and scenes.

Grant Saw Them Taken

GENERAL GRANT saw them taken; William Pinkerton, famous detective, helped to take them; President Garfield and General Sheridan valued them at \$150,000. Taken under the protection of the United States Secret Service, with special permission from President Lincoln, these photographs tell a story of the war like none you ever heard before. They show no fancy artist's handwork, but the grim reality.

Send the Coupon **FREE**
for Sample Pages

WE have on hand a limited number of sumptuous specimen pages from the set—containing large reproductions of these strange photographs. We also have a few copies of a profusely illustrated book, telling the romantic story of Brady, of the taking, loss and rediscovery of the photographs. Send the coupon promptly and we will send you all this free by mail. At the same time we will tell you how to get your set of the Photographic History at the special low Club price and convenient monthly payments.

CALLED IN WILLETT CASE

Thirty Witnesses Summoned to Appear at Inquiry To-day.

Thirty witnesses have been summoned to appear before Justice Townsend Scudder at the Queens County courthouse, in Long Island City, to-day to testify in the proceedings against William Willett, Jr., who was a candidate for the judiciary in the 2d Judicial District at the recent election.

Process servers were busy up to a late hour Saturday night endeavoring to reach those who are supposed to know something of the manner in which Willett obtained his nomination.

Assistant District Attorney De Ford, who is conducting the investigation, said last night that the proceedings would be closed up rapidly and that it would not take all of this week to complete the testimony that he had to present.

It now seems certain that Willett will ask to go on the stand and make an explanation in his own behalf.

Counsel Alexander S. Bacon, his counsel, stated last Friday that he had no doubt Mr. Willett would go on the stand when all of the testimony opposed to him was in.

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